

## Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SAJ-01 IO-14 SCI-06 CEQ-02 EPA-04 NIC-01

CIAE-00 DODE-00 PM-07 INR-10 L-03 NSAE-00 NSC-10

PA-04 RSC-01 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19

DRC-01 /148 W

----- 110341

P R 131206Z NOV 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 8688

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 16404

E.O. 11652: GDS

TAGS: PGOV, FR, GW, UR, US, UK, WB

SUBJECT: SOVIET DEMARCHE ON FRG ENVIRONMENTAL OFFICE  
IN BERLIN

REF: BONN 16216 AND PREVIOUS

1. AT NOVEMBER 12 BONN GROUP MEETING, FRG REP (KASTRUP)  
INFORMED REPS THAT CABINET DISCUSSION OF DRAFT LAW  
ON ESTABLISHMENT OF ENVIRONMENT AGENCY WHICH WOULD BE  
SUBMITTED TO THE BUNDESTAG HAD NOT YET BEEN SCHEDULED,  
BUT HE REITERATED THAT THE GOVERNMENT HAD TAKEN FORMAL  
DECISION TO LOCATE AGENCY IN WSB. CONSEQUENTLY, HE  
SAID, FRG THOUGHT IT HIGHLY DESIRABLE THAT THREE ALLIES  
RESPOND TO SOVIET DEMARCHE WITHOUT AWAITING FORMAL  
CABINET CONSIDERATION OF DRAFT LEGISLATION, AND FRG WAS  
NOW REQUESTING THAT THE ALLIES GO AHEAD WITH THEIR  
REPLY. THE THREE ALLIED REPS RESPONDED THAT, IN VIEW OF  
FRG ASSURANCES RE FINAL DECISION ON LOCATION OF OFFICE  
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IN THE WSB, THEY AGREED TO RECOMMEND TO THEIR AUTHORITIES

THAT REPLY BE MADE WITHOUT AWAITING FRG CABINET ACTION.

2. IN SUBSEQUENT DISCUSSION OF DRAFT RESPONSE, FOLLOWING TEXT WAS AGREED FOR SUBMISSION TO CAPITALS FOR CONSIDERATION.

BEGIN TEXT: I REFER TO YOUR COMMUNICATION OF OCTOBER 29, 1973, ABOUT THE LOCATION IN THE WSB OF THE PROPOSED FEDERAL AGENCY CONCERNED WITH ENVIRONMENTAL MATTERS.

THE REPRESENTATIVE OF THE THREE ALLIED POWERS IN BERLIN EXPLAINED THE ALLIED POSITION ON THIS SUBJECT TO THE EMBASSY OF THE USSR ON OCTOBER 8, 1973. THE ALLIED AUTHORITIES DO NOT ACCEPT THAT THERE WAS EVER ANY UNDERSTANDING AMONG THE FOUR POWERS "ON THE REDUCTION OF WHAT IS CALLED THE FEDERAL PRESENCE" IN THE WSB WHICH COULD BE RELEVANT TO THE ESTABLISHMENT OR LOCATION OF FEDERAL INSTITUTIONS IN THOSE SECTORS. NO SUCH UNDERSTANDING IS REFLECTED IN THE QA AND ITS ASSOCIATED DOCUMENTS. THE QA EXPRESSLY PROVIDES THAT THE TIES BETWEEN THE WSB AND THE FRG WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THOSE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FRG AND NOT TO BE GOVERNED BY IT. IN ACCORDANCE WITH ESTABLISHED PRACTICE AND THIS PROVISION, NO FEDERAL INSTITUTION LOCATED IN THE WSB WOULD BE AUTHORIZED BY THE THREE POWERS TO PERFORM ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER THOSE SECTORS.

THE LOCATION IN THE WSB OF SUCH A FEDERAL INSTITUTION UNDER THESE CONDITIONS WOULD NOT CONSTITUTE A UNILATERAL CHANGE IN THE SITUATION IN BERLIN. RATHER, IT IS A MEANS OF DEVELOPING THE TIES BETWEEN THE WSB

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USMISSION BERLIN

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 16404

AND THE FRG IN FULFILLMENT OF THE PROVISIONS OF THE QA  
AND ITS ASSOCIATED DOCUMENTS. END TEXT.

3. COMMENT: DURING DISCUSSION OF TEXT, ALL REPS AGREED  
THAT MENTION IN SOVIET AND GDR POST-QA DEMARCHES OF  
"SOVIET SIDE" AND "WESTERN SIDE" (MOST RECENT SOVIET  
ORAL NOTE CONTAINS THESE TERMS FOUR TIMES) REPRESENTS  
ORCHESTRATED ATTEMPT TO HAVE ALLIES ESPOUSE THESE TERMS  
AND THUS APPEAR TO CONCEDE THAT SOVIET INVOLVEMENT IN  
WSB IS ON PAR WITH THAT OF ALLIES. SIMILARLY, SOVIET  
USE OF TERM "FEDERAL PRESENCE" IN FIRST AND SECOND NOTES  
ON FRG ENVIRONMENTAL AGENCY, A TERM USED TWICE BY ALLIES  
IN THEIR REPLY ON OCTOBER 8 IN BERLIN, APPEARS TO BE  
SOVIET ATTEMPT TO MAKE ESTABLISHMENT AND MEETINGS IN  
WSB OF FEDERAL INSTITUTIONS IN THEMSELVES THE SUBJECT  
OF OBJECTIONS ALLEGEDLY BASED ON QA, AND TO  
DETRACT FROM VERY LIMITED PROHIBITIONS OF QA ANNEX II  
WITH INTERPRETATIONS CONTAINED THREE AMBASSADORS'  
LETTER. RESTRICTIONS SET OUT IN LATTER DOCUMENTS, OF  
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COURSE, WITH EXCEPTION OF MEETINGS AND CERTAIN SESSIONS  
OF SPECIFIED FEDERAL INSTITUTIONS, ONLY PROHIBIT ACTS  
OF DIRECT STATE AUTHORITY BY FEDERAL INSTITUTIONS OVER  
RPT OVER WSB (A FUNCTIONAL PROHIBITION) AND DOES NOT  
ESTABLISH LIMITATIONS WITH RESPECT TO THEIR PRESENCE  
IN THE WSB. EMBASSY BELIEVES THAT IN PUBLIC STATEMENTS  
AND IN ALL COMMUNICATIONS WITH USSR AND OTHER EES WE  
SHOULD AVOID REFERRING TO "SIDES" AND TO "FEDERAL  
PRESENCE" IN CONTEXT OF WSB AND QA, AND WE HAVE URGED  
BONN GROUP ALLIES TO DO LIKEWISE.  
HILLENBRAND

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**TAGS:** PGOV, FR, GE, UR, US, UK, WB  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005